



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO UniFirst Corporation Registration Number 52538

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and 1316, between the State Air Pollution Control Board and UniFirst Corporation (UniFirst) for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable Permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and - 1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means UniFirst's Richmond facility, an industrial laundry located at 4300 Castlewood Road, Richmond, Virginia 23234.

5. "FCE" means a Full Compliance Evaluation by DEQ staff.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "Order" means this document, also known as a Consent Order or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "PCE" means a Partial Compliance Evaluation by DEQ staff.
9. "Permit" means a Minor New Source Review permit issued under the Virginia Air Pollution Control Law and the Regulations to UniFirst for the Facility, Registration Number 52538, on July 2, 2018.
10. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "UniFirst" means UniFirst Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. UniFirst is a "person" within the meaning of Va. Code § 10.1-1300.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. UniFirst owns and operates the Facility in Richmond, Virginia. The Facility is an industrial laundry.
2. The Facility is subject to a New Source Review Permit dated July 2, 2018. DEQ staff conducted an FCE of the Facility on February 5, 2019, reporting that UniFirst was operating an unpermitted 2.8 MMBtu/hr natural gas BRIM Dryer at the Facility. The dryer was installed at the Facility on June 19, 2016.
3. 9VAC5-80-1120 of the Regulations states in paragraph A, "No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit."

4. 9VAC5-80-1210 of the Regulations states in paragraph E, "Any owner who constructs or operates a source subject to this section not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a source subject to this section who commences construction or operation without receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in this section."
5. On March 13, 2019, the Department issued Notice of Violation No. APRO001123-001, for the violations as described above.
6. On April 16, 2019, DEQ staff met with representatives from UniFirst to discuss the violations noted in the NOV and corrective action. In advance of the meeting, DEQ received a permit application for the 2.8 MMBtu/hr natural gas BRIM Dryer. DEQ received an application on March 13, 2019, and a permit to construct and operate was issued by DEQ on April 4, 2019.
7. Based on the information and results of the February 5, 2019 FCE and subsequent receipt of the permit application, the Board concludes that UniFirst violated 9VAC5-80-1120(A) and 9VAC5-80-1210(E), as described in Section C, above.
8. By applying for and receiving a permit to construct and operate the 2.8 MMBtu/hr natural gas BRIM dryer, UniFirst performed the corrective actions that demonstrate the violations described above have been addressed.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1309 and -1316, the Board orders UniFirst, and UniFirst agrees to:

1. Pay a civil charge of **\$13,520** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

UniFirst shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department is required to refer collection of moneys due under this Order to the

Department of Law, UniFirst shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of UniFirst, for good cause shown by UniFirst, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.* after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent action with respect to this Order only, UniFirst admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. UniFirst consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. UniFirst declares it has received fair and due process under the Administrative Process Act and Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend or enforce this Order.
6. Failure by UniFirst to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. UniFirst shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part.

UniFirst shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. UniFirst shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and UniFirst. Nevertheless, UniFirst agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until UniFirst has made the payment of the penalty set forth in D.1. and any other payments due under this Order. Once such requirements have been completed this Order shall be automatically terminated without the need for any further action by the Director or UniFirst.
12. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve UniFirst from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. Any plans, reports, schedules or specifications attached hereto or submitted by UniFirst and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
14. The undersigned representative of UniFirst certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to

execute and legally bind UniFirst to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of UniFirst.

15. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
16. By its signature below, UniFirst voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 23rd day of August, 2019.

(FOR)

James J. Golden, Regional Director
Department of Environmental Quality

A handwritten signature in green ink, appearing to read "James J. Golden", is written vertically on the right side of the page.

UniFirst Corporation, voluntarily agrees to the issuance of this Order.

Date: 8/20/19 By: Shane O'Connor, CFO
(name) (Title)
UniFirst Corporation

Commonwealth of Massachusetts
~~Virginia~~
City/County of Middlesex

The foregoing document was signed and acknowledged before me this 20th day of
August, 2019, by Shane O'Connor, who is
(name)
CFO of UniFirst Corporation on behalf of the company.

Kelly J. Folta
Notary Public

Registration No. _____

My commission expires: December 3, 2021

Notary seal:



KELLY J. FOLTA
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 3, 2021